

## REMARKS

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(e) as being anticipated by Wang, USPN 6,282,656. In paragraph 4 the Examiner stated that the portable electronic authorization device of Wang is readable as Applicant's electronic apparatus for providing security of specified electronic transactions. Applicant respectfully traverses this rejection for the following reasons.

Wang does not disclose necessary limitations of the claimed invention. For example, Wang does not disclose a **personal** electronic apparatus comprising an article with machine readable code removably inserted into the **personal** electronic device, wherein the **personal** electronic device has **customer-specific code installed on and retained by** it. Rather, the removable article (item 200 of Wang as identified by the Examiner) is insertable into a **public** electronic apparatus, such as an ATM, and the **public** electronic apparatus does **not** contain **installed and retained customer-specific code**. Moreover, the public electronic apparatus of Wang, such as an ATM, must query a remote database to confirm user identification data.

In fact, the present application expressly distinguishes the public electronic devices that are part of Wang's system (e.g., ATM machine and automated library checkout terminal, as explained by Wang at col. 4, lines 66-96). As explained at page 13, lines 10-14 of the application, the present invention incorporates a personal electronic apparatus such as a personal computer or possibly a web TV system. "However, the personal electronic apparatus 10 does not include specific purpose devices publicly available in fixed locations such as Kiosks (at malls for example) or automated teller machines ("ATMs")," as explained at page 13, lines 5-7 of the application. Further, "A primary distinction of the personal electronic apparatus from publicly available devices, not included within the scope of the present invention, is that the personal

electronic apparatus is adapted to receive and retain in nonvolatile, long-term storage (such as a “hard drive”) customer-specific code or software for use in the present invention” (page 13, lines 10-14).

Thus, Wang does not teach the limitations of claim 1. Claim 1 has also been amended to further emphasize these distinctions by specifying that the customer-specific code is installed **and retained by** the personal electronic apparatus. Also, the Examiner has not even attempted to address the limitations in claims 2 and 3 and thus, a *prima facie* rejection has not been made.

Since the reference relied upon by the Examiner does not teach or suggest every element of claims 1-3, the claims are not anticipated and rejection of the claims under 35 U.S.C. § 102 should be withdrawn.

### CONCLUSION

In view of the above argument and authorities, Applicant submits that the Examiner’s rejections under 35 U.S.C. § 102 are improper and should be withdrawn. Reconsideration is requested and it is submitted that claims 1-3 are in condition for allowance, and such action is respectfully requested.

This is intended to be a complete response to the Office Action mailed on September 17, 2004.

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